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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/619,682 05/23/96 CALLAGHAN F 5003/PCT/US

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LM02/0319

EXAMINER

LEGREE, T

ART UNIT

PAPER NUMBER

2744

DATE MAILED:

03/19/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/619,682

Applicant(s)
CALLAGHAN et al.

Examiner
Tracy M. Legree

Group Art Unit
2744



☒ Responsive to communication(s) filed on Dec 22, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 86-147 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 118 and 122 is/are allowed.

☒ Claim(s) 86-90, 92-94, 98, 107, 110-117, 119-121, and 123-147 is/are rejected.

☒ Claim(s) 91, 95-97, 99-106, 108, and 109 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Dec 22, 1998 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Claims 31-85 have been canceled as requested in the amendment received on December 22, 1998. Claims 86-147 are currently pending.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on December 22, 1998 have been approved.

Specification

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Objections

4. Claim 95 is objected to because of the following informalities: The word "a", in line 2, after forming should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 98, 111, 112, 119, 120 and 123-147 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 111 and 112 recite "wherein said hand holdable unit includes a speaker and/or microphone permitting said hand holdable unit to be used as a telephone handset." The use of and/or requires that only one of the speaker or the microphone be present. It is unclear how the hand holdable unit will function as a telephone handset if it does not have both a speaker and a microphone.

Claim 119 recites the limitation "said command" in line 19. There is insufficient antecedent basis for this limitation in the claim.

Claims 119 and 120 recites the limitation "or merchandising system" in ln 27 of claim 119 and lns 25-26 of claim 120. There is insufficient antecedent basis for this limitation in the claim. Examiner suggest applicant amend claims 119 and 120 by either inserting " or a merchandising system" in the preamble (line 1 of the claim 119 and 120) or by changing "said data entry or merchandising system" in line 27 of claim 119 and lines 25-26 of claim 120 to read "said data entry system or a merchandising system".

In claims 119 and 120, applicant states in line 24 (claim 119) and line 22 (claim 120), "a plurality of selectable items". It is unclear whether applicant is referring to the items , user selectable by the reading sensor or to a new set of selectable items. If applicant is referring to

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items, user selectable by the reading sensor, examiner suggest applicant amend line 24 of claim 119 to read "said plurality of selectable items".

Regarding claims 98 and 134, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

8. Claims 86-88, 90, 92 and 107 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez, U.S. Patent No. 5,334,824.

Regarding claim 86, Martinez discloses a data entry device (10), for use in a data entry system, comprising:

a reading sensor (54) responsive to commands and/or sensed commands and data to produce input signals;

a controller (59) coupled to the reading sensor to receive and process the input signals and further coupled to a communications interface (50) to selectively control transmission over the communication interface of command and/or data signals as determined by the input signals

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processed by the controller, the communication interface being operable directly to connect the data entry device to a wireless telecommunication network (115,122); and

a display (13) coupled to the controller to display commands and/or information under control of the input signals processed by the controller;

wherein the reading sensor (54), controller (59) and display comprise a unitary assembly (19) and the communication interface is a cellular telephone network interface and the wireless telecommunication network is a cellular telephone network. (figures 1, 2 and 4; col. 2, ln 59 - col.3, ln 56; col. 4, ln 48 - col. 5, ln 40)

Regarding claim 87, Martinez discloses a data entry device (10) for use in a data entry system, comprising:

a reading sensor (54) responsive to commands and/or sensed commands and data to produce input signals;

a controller (59) coupled to the reading sensor to receive and process the input signals and further coupled to a communications interface (50) to selectively control transmission over the communication interface of command and/or data signals as determined by the input signals processed by the controller, the communication interface being operable directly to connect the data entry device to a wireless telecommunication network (115,122); and

a display (13) coupled to the controller to display commands and/or information under control of the input signals processed by the controller;

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wherein the reading sensor (54), controller (59) and display comprise a unitary assembly (19) and the communication interface is a cellular telephone network interface and the wireless telecommunication network is a cellular telephone network and the data entry device is integral with a cellular telephone. (figures 1, 2 and 4; col. 2, ln 59 -col.3, ln 56; col. 4, ln 48 - col. 5, ln 40)

Regarding claim 88, Martinez discloses a data entry device (10), for use in a data entry system, comprising:

a reading sensor (54) responsive to commands and/or sensed commands and data to produce input signals;

a controller (59) coupled to the reading sensor to receive and process the input signals and further coupled to a communications interface (50) to selectively control transmission over the communication interface of command and/or data signals as determined by the input signals processed by the controller, the communication interface being operable directly to connect the data entry device to a wireless telecommunication network (115,122); and

a display (13) coupled to the controller to display commands and/or information under control of the input signals processed by the controller;

wherein the reading sensor (54), controller (59) and display comprise a unitary assembly (19) and the communication interface is a satellite interface and the wireless telecommunication network is a satellite telephone network. (figures 1, 2 and 4; col. 2, ln 59 -col.3, ln 56; col. 4, ln 48 - col. 5, ln 40; col. 6, ln 2-8)

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a controller (74) connected to receive and process the input signals from the sensor, the controller being arranged to respond to commands and/or sensed commands to control the hand holdable unit and to the data to select a items; and

a display screen (13) for displaying a user readable representation of the commands and the stored information for the selected item;

the system further comprising:

a telecommunication interface for telephonic transmission of information relating to a selected item or items from the storage to a remote processing center via a telecommunication network and for telephonic reception of information relating to selectable items from the remote processing center to the storage via the telecommunications network, the controller being responsive to a command to cause downloading of information previously stored in the rewritable memory storage for one or more selectable items, wherein the telecommunications interface is a wireless telecommunications interface.(figures 3, 6-31; col. 8, ln 65-col. 9, ln 30; col. 12, ln 44-col.18, ln 29; col. 23, ln 22-53; col. 25, ln 31-35)

Regarding claim 121, Koenck discloses and data entry system including a hand holdable data entry unit comprising:

a reading sensor (326) for sensing commands and/or data and for producing a input signals in response to the sensed commands and/or data;

rewritable storage (75) programmable with information relating to a plurality of items, user selectable by means of the reading sensor;

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Regarding claim 90, Martinez discloses all the limitations of claims 86-88. Martinez further discloses the data entry device wherein the reading sensor, controller and display comprise a hand holdable unit (19,10). (figure 1; col. 2, ln 59-col. 3, ln 9)

Regarding claim 92, Martinez discloses all the limitations of claims 86-88. Martinez further discloses the data entry device to include a rechargeable power source means (17) being provided for recharging the power source. (figure 1; col. 2, ln 59-col. 3, ln 9)

Regarding claim 107, Martinez discloses all the limitations of claims 86-88 and further discloses the data entry device wherein a key on the data entry device can be used for entry of a command and/or data. (figure 1, 2; col. 2, ln 59 - col. 3, ln 16)

9. Claims 117, 121, 123-125, 137, 139 and 143 are rejected under 35 U.S.C. 102(e) as being anticipated by Koenck et al. (Koenck), U.S. Patent No. 5,410,141.

Regarding claim 117, Koenck discloses and data entry system including a hand holdable data entry unit comprising:

a reading sensor (326) for sensing commands and/or data and for producing a input signals in response to the sensed commands and/or data;

rewritable storage (75) programmable with information relating to a plurality of items, user selectable by means of the reading sensor;

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a controller (74) connected to receive and process the input signals from the sensor, the controller being arranged to respond to commands and/or sensed commands to control the hand holdable unit and to the data to select a items; and

a display screen (13) for displaying a user readable representation of the commands and the stored information for the selected item;

the system further comprising:

a telecommunication interface for telephonic transmission of information relating to a selected item or items from the storage to a remote processing center via a telecommunication network and for telephonic reception of information relating to selectable items from the remote processing center to the storage via the telecommunications network, the controller being responsive to a command to cause downloading of information previously stored in the rewritable memory storage for one or more selectable items, wherein the reading sensor is located in a reading head which is releasably attached to the hand holdable unit.(figures 3, 6-31; col. 8, ln 65-col. 9, ln 30; col. 12, ln 44-col.18, ln 29; col. 23, ln 22-53; col. 25, ln 31-35)

Regarding claim 123, Koenck discloses all the limitations of claims 117 and 121 and further discloses a data entry system wherein the telecommunications interface is integral with the hand holdable unit and directly connects the hand holdable unit to the telecommunications network. (figures 9 and 10; col. 13, ln 1-col. 15, ln 3)

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Regarding claim 124, Koenck discloses all the limitations of claims 117 and 121 and further discloses the data entry device wherein the hand holdable unit includes a rechargeable power source means being provided for recharging the power source. (Col. 9, ln 31-38)

Regarding claim 125, Koenck discloses all the limitations of claims 121 and further discloses a data entry system wherein the telecommunications interface is a wireless telecommunications network. (col. 12, ln 44-col. 14, ln 18)

Regarding claim 137, Koenck discloses all the limitations of claim 117 and further discloses a data entry system wherein the reading sensor is located in a reading head which is releasably attached to the hand holdable unit. (col. 15, ln 35-col. 20, ln 3)

Regarding claim 139, Koenck discloses all the limitations of claims 117 and 121 and further discloses a data entry system wherein programs in the hand holdable unit are updatable remotely from the processing center. (col. 23, ln 33-35)

Regarding claim 143, Koenck discloses all the limitations of claims 117 and 121 and further discloses the data entry system wherein a key on the data entry unit can be used for entry of the command and/or data. (Col. 13, ln 65-68)

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 93, 94 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez.

Regarding claims 93 and 94, Martinez discloses all the limitations of claims 86-88, but fails to disclose the data entry device to have one or two manually operable switches for scrolling the display in a first or second direction for selectively displaying commands and/or data and wherein operation of the first and/or second switches in predetermined operational states of the data entry device causes predetermined functions other than scrolling functions to be performed. However, use arrow keys for performing a scrolling function which selectively displays commands and/or information on a data entry display and using the arrow keys to perform other functions when the data entry device is in a predetermined operation state is well known and examiner takes Official Notice as such. It would have been obvious to one of ordinary skill in the art at the time of the invention of Martinez to incorporate arrow keys for performing a scrolling function in addition to other functions for the purpose of allowing the user to view all commands and/or information when the display is a minimal size and for reducing the amount of keys needed on the keyboard.

Regarding claim 110, Martinez discloses all the limitations of claim 88, but fails to disclose that the data entry device is integral with a satellite telephone. However, Martinez does disclose that the data entry device is adaptable to a satellite telecommunication network and that the data

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entry device could be any type of portable telephone. (col.6, ln 2-8) . It would have been obvious to one of ordinary skill in the art at the time of the invention that the data entry device describe by Martinez could be integral with a satellite telephone since Martinez suggest use of other types of portable telephone and use of a satellite telecommunication network as the wireless telecommunication network.

12. Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez as applied to claim 86, 87 or 88 above, and further in view of Roberts, U.S. Patent No. 5,324,922.

Regarding claim 89, Martinez discloses all the limitations of claims 86, 87, or 88, but fails to disclose the data entry device wherein the communications interface includes a modem. Roberts, however, discloses an apparatus for managing financial transaction wherein the communications interface includes a modem. (figure 4, col. 7, ln 47-50) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention of Martinez to include a modem in the communication interface as taught by Roberts for the purpose of converting signals into a form which can be sent over the telecommunications network to the remote processor.

13. Claims 113-116, 123, 124, 126-130, 137, 139 and 143 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck et al. (Koenck), U.S. Patent No. 5,410,141.

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Regarding claim 113, Koenck discloses and data entry system including a hand holdable data entry unit comprising:

a reading sensor (326) for sensing commands and/or data and for producing a input signals in response to the sensed commands and/or data;

rewritable storage (75) programmable with information relating to a plurality of items, user selectable by means of the reading sensor;

a controller (74) connected to receive and process the input signals from the sensor, the controller being arranged to respond to commands and/or sensed commands to control the hand holdable unit and to the data to select a items; and

a display screen (13) for displaying a user readable representation of the commands and the stored information for the selected item;

the system further comprising:

a telecommunication interface for telephonic transmission of information relating to a selected item or items from the storage to a remote processing center via a telecommunication network and for telephonic reception of information relating to selectable items from the remote processing center to the storage via the telecommunications network, the controller being responsive to a command to cause downloading of information previously stored in the rewritable memory storage for one or more selectable items, wherein the telecommunications interface is a wireless telecommunications interface, but fails to disclose that the telecommunication interface is a cellular telephone network interface.(figures 3, 6-31; col. 8, ln 65-col. 9, ln 30; col. 12, ln 44-

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col.18, ln 29; col. 23, ln 22-53; col. 25, ln 31-35) However, a cellular telephone network interface is a well known type of telecommunication interface and examiner takes Official Notice as such. It would have been obvious to one of ordinary skill in the art at the time of the invention of Koenck to use a cellular telephone network interface as the wireless telecommunications interface since a cellular interface would permit communication with remote sites.

Regarding claim 114, Koenck discloses and data entry system including a hand holdable data entry unit comprising:

- a reading sensor (326) for sensing commands and/or data and for producing a input signals in response to the sensed commands and/or data;

- rewritable storage (75) programmable with information relating to selectable items;

- a controller (74) connected to receive and process the input signals from the sensor, the controller being arranged to respond to commands and/or sensed commands to control the hand holdable unit and to the data to select a items;

- a display screen (13) for displaying a user readable representation of the commands and the stored information for the selected item; and

- a telecommunication interface for telephonic transmission of information relating to a selected item or items from the storage to a remote processing center via a telecommunication network and for telephonic reception of information relating to selectable items from the remote processing center to the storage via the telecommunications network, the controller being responsive to a command to cause downloading of information previously stored in the rewritable

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memory storage for one or more selectable items, wherein the telecommunications interface is a wireless telecommunications interface, but fails to disclose that the telecommunication interface is a cellular interface.(figures 3, 6-31; col. 8, ln 65-col. 9, ln 30; col. 12, ln 44-col.18, ln 29; col. 23, ln 22-53; col. 25, ln 31-35) However, a cellular telephone network interface is a well known type of telecommunication interface and examiner takes Official Notice as such. It would have been obvious to one of ordinary skill in the art at the time of the invention of Koenck to use a cellular telephone network interface as the wireless telecommunications interface since a cellular interface would permit communication with remote sites.

Regarding claim 115, Koenck discloses and data entry system including a hand holdable data entry unit comprising:

- a reading sensor (326) for sensing commands and/or data and for producing a input signals in response to the sensed commands and/or data;

- rewritable storage (75) programmable with information relating to a plurality of items, user selectable by means of the reading sensor;

- a controller (74) connected to receive and process the input signals from the sensor, the controller being arranged to respond to commands and/or sensed commands to control the hand holdable unit and to the data to select a items; and

- a display screen (13) for displaying a user readable representation of the commands and the stored information for the selected item;

- the system further comprising:

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a telecommunication interface for telephonic transmission of information relating to a selected item or items from the storage to a remote processing center via a telecommunication network and for telephonic reception of information relating to selectable items from the remote processing center to the storage via the telecommunications network, the controller being responsive to a command to cause downloading of information previously stored in the rewritable memory storage for one or more selectable items, wherein the telecommunications interface is a wireless telecommunications interface, but fails to disclose that the telecommunication interface is a satellite interface.(figures 3, 6-31; col. 8, ln 65-col. 9, ln 30; col. 12, ln 44-col.18, ln 29; col. 23, ln 22-53; col. 25, ln 31-35) However, a satellite interface is a well known type of telecommunication interface and examiner takes Official Notice as such. It would have been obvious to one of ordinary skill in the art at the time of the invention of Koenck to use a satellite interface as the wireless telecommunications interface since a satellite interface would permit communication with remote sites.

Regarding claim 116, Koenck discloses and data entry system including a hand holdable data entry unit comprising:

a reading sensor (326) for sensing commands and/or data and for producing a input signals in response to the sensed commands and/or data;

rewritable storage (75) programmable with information relating to selectable items;

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a controller (74) connected to receive and process the input signals from the sensor, the controller being arranged to respond to commands and/or sensed commands to control the hand holdable unit and to the data to select a items;

a display screen (13) for displaying a user readable representation of the commands and the stored information for the selected item; and

a telecommunication interface for telephonic transmission of information relating to a selected item or items from the storage to a remote processing center via a telecommunication network and for telephonic reception of information relating to selectable items from the remote processing center to the storage via the telecommunications network, the controller being responsive to a command to cause downloading of information previously stored in the rewritable memory storage for one or more selectable items, wherein the telecommunications interface is a wireless telecommunications interface, but fails to disclose that the telecommunication interface is a satellite interface and the telecommunications network is a satellite telecommunications network..(figures 3, 6-31; col. 8, ln 65-col. 9, ln 30; col. 12, ln 44-col.18, ln 29; col. 23, ln 22-53; col. 25, ln 31-35) However, a satellite telecommunications network is a well known type of telecommunication network and examiner takes Official Notice as such. It would have been obvious to one of ordinary skill in the art at the time of the invention of Koenck to use a satellite interface in conjunctions with a satellite communication network as the wireless telecommunications interface and as the wireless communication network since a satellite interface would permit communication with remote sites.

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Regarding claim 123, Koenck discloses all the limitations of claims 113, 114, 115 and 116 and further discloses a data entry system wherein the telecommunications interface is integral with the hand holdable unit and directly connects the hand holdable unit to the telecommunications network. (figures 9 and 10; col. 13, ln 1-col. 15, ln 3)

Regarding claim 124, Koenck discloses all the limitations of claims 113, 114, 115 and 116 and further discloses the data entry device wherein the hand holdable unit includes a rechargeable power source means being provided for recharging the power source. (Col. 9, ln 31-38)

Regarding claim 126, Koenck discloses all the limitations of claims 117 and 121, but fails to disclose that the telecommunications interface is a cellular telephone network interface. However, a cellular telephone network interface is a well known type of telecommunication interface and examiner takes Official Notice as such. It would have been obvious to one of ordinary skill in the art at the time of the invention of Koenck to use a cellular telephone network interface as the wireless telecommunications interface since a cellular interface would permit communication with remote sites.

Regarding claim 127, Koenck discloses all the limitations of claims 117 and 121, but fails to disclose that the telecommunications interface is a satellite interface and the telecommunications network is a satellite telecommunications network. However, a satellite telecommunications network is a well known type of telecommunication network and examiner takes Official Notice as such. It would have been obvious to one of ordinary skill in the art at the time of the invention of Koenck to use a satellite interface in conjunctions with a satellite

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communication network as the wireless telecommunications interface and as the wireless communication network since a satellite interface would permit communication with remote sites.

Regarding claim 128, Koenck discloses all the limitations of claims 113-117 and 121, but fails to disclose the data entry system wherein the telecommunications interface includes a modem. However, it is well known to include modem in a telecommunications device and examiner takes Official Notice as such. It would have been obvious to one of ordinary skill in the art to include a modem in the invention of Koenck for the purpose of converting signals into a form which can be sent over the telecommunications network to the remote processor.

Regarding claims 129 and 130, Koenck discloses all the limitations of claims 113-117 and 121, but fails to disclose the data entry device to have one or two manually operable switches for scrolling the display in a first or second direction for selectively displaying commands and/or data and wherein operation of the first and/or second switches in predetermined operational states of the data entry device causes predetermined functions other than scrolling functions to be performed. However, use arrow keys for performing a scrolling function which selectively displays commands and/or information on a data entry display and using the arrow keys to perform other functions when the data entry device is in a predetermined operation state is well known and examiner takes Official Notice as such. It would have been obvious to one of ordinary skill in the art at the time of the invention of Koenck to incorporate arrow keys for performing a scrolling function in addition to other functions for the purpose of allowing the user to view all

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commands and/or information when the display is a minimal size and for reducing the amount of keys needed on the keyboard.

Regarding claim 137, Koenck discloses all the limitations of claims 113-116 and further discloses a data entry system wherein the reading sensor is located in a reading head which is releasably attached to the hand holdable unit. (col. 15, ln 35-col. 20, ln 3)

Regarding claim 139, Koenck discloses all the limitations of claims 113-116 and further discloses a data entry system wherein programs in the hand holdable unit are updatable remotely from the processing center. (col. 23, ln 33-35)

Regarding claim 143, Koenck discloses all the limitations of claims 113-116 and further discloses the data entry system wherein a key on the data entry unit can be used for entry of the command and/or data. (Col. 13, ln 65-68)

Allowable Subject Matter

14. Claims 91, 95-97, 99, 100-108, and 109 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Claims 111, 112, 119 and 120 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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16. Claims 98, 131-133, 135, 136, 138, 140-142, and 144-147 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

17. Claims 118 and 122 are allowed.

18. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not describe data entry system including a hand holdable data entry device comprising a rewritable storage programmable with information relating to a plurality of items, a controller, a telecommunication interface for telephonic transmission of information related to the selected item or items from the storage to the remote processing center via a telecommunication network for telephonic reception of information to selectable items from the remote processing center to the storage via the telecommunication network and a speaker and/or microphone permitting the hand holdable unit to be used as a telephone handset. The prior art does not describe the telecommunications interface to be a telecommunications line integral to the hand holdable unit which directly connects the hand holdable unit to the wireless telecommunications network. Lastly the prior art of record does not describe the system to include a carrier for a plurality of data and/or command codes for association with means for displaying a plurality of selectable items wherein the carrier carries a plurality of codes, each for a respective one of a plurality of commands for controlling operation of the data entry system or a merchandising system, each code being associated with a visual representation of the

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corresponding natural language, or numeric character, or command and/or of a graphical representation thereof.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hughes et al.

U.S. Patent No. 5,754,655

05/19/98

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracy M. Legree whose telephone number is (703) 305-3859. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703)308-9051, (for formal communication intended for entry)

Or:

(703)305-9508, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive
Arlington, VA., Sixth Floor (Receptionist).

Tracy M. Legree
March 11, 1999



DWAYNE D. BOST
SUPERVISORY PATENT EXAMINER
GROUP 2700